

EXHIBIT 5

FIRST JUDICIAL DISTRICT OF PENNSYLVANIA
IN THE COURT OF COMMON PLEAS FOR PHILADELPHIA COUNTY
ELECTION COURT- General Election: November 3, 2020

Filed and Attested by the
Office of Judicial Records
04 NOV 2020 12:36 pm
S. WULKO

In Re: : ELECTION MATTER
:
Canvassing Observation : NOVEMBER TERM, 2020
:
: NO. 7003

ORDER

AND NOW, this 3rd day of November, 2020, in connection with the matter of: petition by Donald J. Trump for President Inc. to allow closer observation of canvassing of ballots, upon consideration of the:

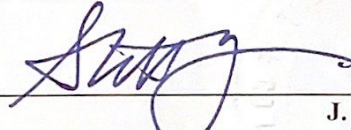
☒ oral Petition and Argument and any responses thereto ☐ written Petition and Argument and any responses thereto
☒ testimony and evidence presented by the witnesses and Argument; or
☐

IT IS HEREBY ORDERED and DECREED that:

The oral motion to allow closer observation of the canvassing of ballots is DENIED for the following reasons:

The Petitioner's witness provided copious testimony as to his ability to observe the opening and sorting of ballots. His concerns pertained to his inability to observe the writing on the outside of the ballots. Given that observers are directed only to observe and not to audit ballots, we conclude, based on the witness's testimony, that the Board of Elections has complied with the observation requirements under 25 P.S. 3146.8. We, however, would not discourage the Board from considering the implementation of arrangements to allow for an additional corridor for observation along the side of the canvassing tables if feasible – subject to spatial distancing under COVID-19 and voting privacy requirements.

BY THE COURT:


J.
Presiding Election Day Judge

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IMPORTANT NOTICE

This Order is issued by the Judge assigned by the President Judge of the Court of Common Pleas to decide legal issues which may arise in connection with the above Election. Failure to comply with the terms of this order may result in contempt proceedings and the imposition of criminal or civil penalties. Any interested party should consult an attorney, or rules of court, for additional information regarding the impact of this order and how to request appropriate relief.

Certified copies of this order may be obtained through the Office of Judicial Records, OJR_Civil@courts.phila.gov upon the payment of the required fee. Notes of testimony of the hearing may be requested through the Court Reporters Office, Land Title Building, 100 S. Broad Street, Second Floor, Philadelphia, PA by completing a Request for Transcript form. See www.courts.phila.gov/departments/courtreporters.

The following Parties participated in connection with the above matter:

Name of Party	Name of Attorney
Donald J. Trump for President Inc.	LINDA KEMMS, ESQ
City of Philadelphia	SEAN MCGRATH, ESQ
PA Dems	SUSAN LIN, ESQ.